



STATE OF WASHINGTON

## STATE BUILDING CODE COUNCIL

906 Columbia Street SW • P.O. Box 42525 • Olympia, Washington 98504-2525  
(360) 725-2966 • fax (360) 586-9383 • e-mail sbcc@cted.wa.gov • www.sbcc.wa.gov

## MINUTES STATE BUILDING CODE COUNCIL

**Date:** April 8, 2005

**Location:** Holiday Inn Select, Renton

**Council Members Present:** John Neff, Chair; Peter DeVries, Vice Chair; Rory Calhoun; Kristyn Clayton; John Cochran; Neva Corkrum; Stephen George; Mari Hamasaki; Tom Kinsman; Steve Mullet; Steve Nuttall; Terry Poe; Dale Wentworth; Doug Erickson for Ron Fuller

**Council Members Absent:** Dave Baker

**Visitors Present:** Paul O'Connor, Michael Barth, Steve Barber, Charles de Montigny, Kraig Stevenson, Tom Young, Jan Conklin, Diane Glenn, John Hogan, Chuck Day

**Staff Present:** Tim Nogler, Krista Braaksma, Sue Mathers

### CALL TO ORDER

Council Chair, John Neff, called the meeting to order at 10 a.m. John welcomed everyone to the meeting. Introductions were made.

### REVIEW AND APPROVE AGENDA

The agenda for today's meeting was reviewed. John added a March 7, 2005 letter from the Master Builders Association to the agenda under "Other Business." With that addition, the agenda was approved as amended.

## **REVIEW AND APPROVE MINUTES**

The minutes of the March 11, 2005 Council meeting were reviewed. John Neff amended the name of the speaker on page 3 from Diane Gland to Diane Glenn. With that change, the minutes were approved as amended.

## **PUBLIC COMMENT ON ITEMS NOT COVERED BY THE AGENDA**

None presented.

## **ORIENTATION FOLLOWUP**

John Neff recapped items discussed at yesterday's orientation session: the history of the Council; who the Council is, its duties, responsibilities and authority; policies for adopting statewide and local government amendments; and outreach measures. He said the Council reached consensus in its decision to annually review code change proposals submitted to the Council by March 1 of each year, with final adoption every three years. Exceptions will be dealt with by emergency rulemaking.

Additionally John Neff said that Rory Calhoun presented a discussion of the Americans with Disabilities Act and how it relates to the state accessibility code, how Washington State amendments impact Department of Justice certification, and Federal Fair Housing issues. Outreach proposals discussed include updating the Council's website to be more attractive and user-friendly; using E-mail mailings to reduce workload and mailing costs; establishing a close working relationship with the Washington Association of Counties; and holding meetings throughout the state, rather than just in Olympia, the SeaTac area and Spokane.

Tim asked for direction about amending the process for adopting local government amendments, as discussed yesterday. He suggested that staff draft a written policy and circulate it to Council members by E-mail for their review and approval. Another option is convening a special work group to discuss and refine an amended process.

Also facing the Council is website reorganization. For that project, Tim anticipates the need of a consultant from the Department of Information Services. He asked for Council volunteers to assist as well. Steve Nuttall, Kristyn Clayton, Mari Hamasaki and John Neff volunteered to participate. Tim said staff will assemble suggestions and present them to the full Council.

As far as meeting locations, Tim said the annual meeting schedule has been established and publicized. Changes to it require immediate action. As presently scheduled, the next Council meeting will be held in Spokane on June 10.

John Neff noted the possible need of two task forces, to address public outreach and to update policies and procedures in WAC 51-04. Steve Nuttall suggested that the first task force assemble public outreach material, to present a comprehensive, focused plan of action to the Council at the June 10 meeting. John Neff agreed.

John Neff said the policies and procedures update is tied to a revision of the Memorandum of Understanding (MOU) with the Department of Community, Trade and Economic Development (CTED). Peter DeVries suggested that the Executive Committee draft the revisions and submit them to the full Council for its review and approval. The Executive Committee is composed of the Council Chair and Vice Chair, and the Chairs of the BFP, MVE, Legislative and Economic Committees.

Tim said that policy revisions affecting the WAC require a decision to enter rulemaking by June. Krista Braaksma clarified that a CR-101, preproposal, must be filed prior to June. This Notice of Intent doesn't obligate the Council.

John Neff said there was general consensus yesterday to revise existing policies in WAC 51-04 relating to the adoption cycle, the procedure for adopting statewide and local government amendments, and for addressing administrative amendments.

#### **Motion #1:**

**Steve Mullet moved that a CR-101 preproposal be filed to indicate the Council's intent to enter rulemaking to revise policies and procedures in WAC 51-04. Tom Kinsman seconded the motion. The motion was unanimously adopted.**

### **LEGISLATIVE COMMITTEE REPORT**

#### **ESHB 1401**

Tim circulated copies of the 2005 Legislative Session Bill Tracking Log, which includes all bills tracked this session, dead or alive at this time. ESHB 1401, fire safety, passed the House and is currently in Senate Rules. The cutoff for this bill to pass the Senate is 5 p.m. on April 15. Tim said this legislation received strong support in the Senate, with no opposition.

ESHB 1401 requires the Council to enter rulemaking this year, to adopt a rule by December 1 requiring fire sprinklers in nightclubs. The provision requiring fire sprinklers is retroactive, requiring all nightclubs with an occupant load of 100 or more, to have fire sprinklers in order for them to be occupied for use. The occupant load is calculated at 10 square feet per occupant. Tim said that before the Council formulates the rule, a technical advisory group will have to study the language of ESHB 1401. The bill rather specifically defines the rule, allowing little flexibility. Once a rule has been drafted, a public hearing will be held to gather testimony about the proposed rule. Then

following adoption of the rule by the Council, it's submitted to the Fire Policy Protection Board (FPPB) for their review by mid-February 2006. Any revisions to the rule proposed by the FPPB return to the Council for further review by the end of 2006. The effective date of the rule is December 1, 2007.

John Neff noted that originally the restaurant association opposed the bill because the definition of "nightclub" was very broadly written. Later versions of the bill, however, narrowed the definition to exclude restaurants. Steve Nuttall said he sees public outreach, education of the public and code enforcers, as the biggest impact to the Council over time.

### **SHB 1591**

Tim said that SHB 1591 incorporates the language of the now dead SB 5687, increasing the number of adult family home (AFH) residents from six to eight and requiring monitored smoke detectors and sprinklers. This bill passed the House and resides in the Senate on 2<sup>nd</sup> Reading.

Under the original bill, the Council was secondarily impacted, consulting with the Department of Social and Health Services to develop standards for small boarding homes. The incorporation of SB 5687 changes the Council's role to primary in the adoption of a rule requiring smoke detectors and sprinklers in AFHs with seven-eight residents.

Tim noted that other bills on the Tracking Log were monitored, but none have a direct impact on the Council.

### **TECHNICAL ADVISORY GROUP REPORT**

Tim said that to date the Existing Building Code SubTAG is the only Council group that is currently meeting. He said the TAG is preparing a comparison matrix of the Existing Building Code published by the International Code Council (ICC), the International Building Code for existing buildings, and the Historic Building Code that the Council adopted in 1991. The latter, WAC 51-19, is being used by a number of local jurisdictions. Existing Building Code SubTAG work will continue throughout the summer, for a report back to the Building Code TAG this fall and to the Council at the end of 2005. John Cochran added that the next meeting of the Existing Building Code SubTAG is scheduled for April 12.

John Neff said that a meeting with the Office of Archaeology and Historic Preservation (OAHP) indicated to him its concern about how building officials view historic buildings. OAHP proposed that WABO sponsor training to raise awareness of the relatively unknown historic building code. John Neff said that training will be a joint WABO-CTED venture in October.

## **LOCAL AMENDMENT REVIEW**

### **City of Duvall**

Lacking the attendance of a City of Duvall representative, the Council reviewed a letter from Duvall's building official outlining its justification for the local amendment. She said that Duvall is a rural community spread out over county roads with a limited tax base. John Neff said the local amendment speaks to sprinklering single-family residences, 1500 square feet each, in a townhouse configuration, separated by two-hour walls. John Cochran clarified that a series of 1500 square foot townhouses, that individually would not require sprinklers, are lined up together and thus meet the 5,000 square foot trigger for sprinklers. John Neff agreed that's the proposal.

### **Motion #2:**

**Steve Nuttall moved to adopt the local amendment by the City of Duvall. Peter DeVries seconded the motion.**

John Cochran said that fire walls should solve the problem. He questioned why sprinklers are also needed. John Neff said the International Residential Code (IRC) requires that multiple single-family townhouses be structurally independent, so that if a fire occurs the structure collapses without impacting adjacent units. The IRC allows townhouses the option of separating single-family dwellings by two one-hour walls or a single two-hour wall without openings or penetration. Peter DeVries pointed out there may be limited response time on rural roads by volunteer fire personnel.

Steve Nuttall said while the amendment seems benign, it's very complex, probably going to the heart of the discussion about the local amendment process. He said in this case a local jurisdiction has decided, rather than to hire additional firefighters or firefighting apparatus, or to build additional fire stations, that it prefers having a built-in protection environment. Steve Nuttall said that while fire walls have lots of integrity the first year, that integrity declines in succeeding years, as cable lines, phone lines, electrical lines penetrate it. Steve said he's personally witnessed fires that have moved from unit to unit, despite firewalls intended to prevent such movement.

Kristyn Clayton asked about the source of the firefighting water in a rural community, if it's from a well or another source. Peter DeVries cited an example of a motel he designed where there were no water lines to the motel and a reservoir was required. He said the solution was to build a swimming pool. That may be difficult to accomplish, however, in some rural communities. Peter said he doesn't believe the cost to the builder would be exorbitant. He estimated that if water pressure is present in water mains, the additional cost is \$2,000 per unit. Steve Nuttall added that new technology allows fairly low-cost, low-impact designs on domestic water supply systems for firefighting purposes.

Steve Nuttall noted that the Council has approved similar, if not identical, local amendments in the past. John Neff agreed, but he said before it was one single-family structure that was over 5,000 square feet. In this local amendment, several 1,500 square-foot single-family structures are strung together to attain 5,000 square feet.

Tom Kinsman spoke against the dramatic costs associated with continually evolving regulation over the years. He proposed viewing the “big picture,” from a cost-benefit analysis perspective. He objects to such issues being decided at the local government level. Steve Nuttall noted that there is momentum developing in the code community and the nation to sprinkler **all** single-family dwellings, regardless of size.

John Cochran asked if this local amendment is retroactive. John Neff said it does not involve existing structures, only newly constructed structures. Krista confirmed that it’s not retroactive.

**The question was called for. The Council adopted Motion #2 by a vote of 8 aye to 3 nay.**

## **STATEWIDE CODE CHANGE PROPOSALS**

Tim said that by the deadline of March 1, 2005, there were six code changes proposed to the building code and three code change proposals submitted to the energy code. John Neff said this is the meeting at which the Council decides whether or not to forward the proposed code changes to TAGs for in-depth review.

### **Motion #3:**

**Steve Nuttall moved that the six proposed code changes to the building code be referred to the Building Code TAG and the three proposed code changes to the energy code be referred to the Energy Code TAG. John Cochran seconded the motion. The motion was unanimously adopted.**

## **OTHER BUSINESS**

John Neff reviewed the March 7, 2005 letter from the Master Builders Association (MBA) in which that association raises questions about Section 104.1.1 of the City of Kent’s International Fire Code. He said the primary question facing the Council is if that section affects one-four unit dwellings. If it does, it cannot be enforced by the City of Kent without prior Council approval. The Council’s general consensus yesterday was that if the Council becomes aware of a local jurisdiction that has adopted a local ordinance that affects single-family or multifamily residential buildings without prior Council approval, the Council will send that jurisdiction a letter notifying them that the ordinance needs to be reviewed and approved by the Council.

John Neff said that the Council's WAC rule always, under the Uniform codes, exempted Chapter 1 because it was administrative, dealing with issues not requiring Council approval. However, the City of Kent placed Section 104.1.1 in Chapter 1. Was that placement correct? Does it require Council approval?

Tim said that the City of Kent sent the Council its ordinance, but it did not ask for review. Nor did it submit the ordinance on the correct form with justification.

Steve Nuttall, questioning whether the Council has gotten all the relevant information, suggested that the issue be researched over the next month or two. Since single-family dwellings and townhouses are regulated by the IRC, he said the argument can be made that there is no authority in the International Fire Code to deal with them.

Diane Glenn, MBA, said that Section 104.1.1 was based on an issue by a builder of single-family residences. John Neff said it's appropriate for the Council to send a letter to Kent asking them to submit the local ordinance for Council approval. It was the consensus of Council members that is the appropriate action at this time.

John Cochran spoke against Kent's Section 104.1.1. From an architect's viewpoint, he said this section allows the fire official to hold projects hostage.

Kraig Stevenson noted the importance of public comment questioning local amendments.

## **STAFF REPORT**

Tim offered to work with the Council, Executive Committee and/or the Chair, to facilitate the process of filling Al Rhoades' position. He said that the intent is to fill it as entry-level, with an individual experienced in working with the building and fire codes at the local government level. Based on this morning's discussion, Tim said help on the outreach project may also be sought. Peter said, since the new employee will work directly with Tim, he's comfortable with the hiring decision being Tim's. He asked to be kept informed of the status of the process.

John Neff suggested a temporary or project outreach person. Rory Calhoun said that it might be easier to contract the position. Steve Mullet echoed Peter's comments about Al's replacement. He offered to help Tim if an objective opinion is needed. John Cochran also volunteered to help.

## **ADJOURNMENT**

Lacking further business, John Neff adjourned the meeting at 1:23 p.m.